

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

THEODIS E. PRENTICE, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	CAUSE NO. 2:06-CV-421 TS
)	
KAREN JONES, <i>et al.</i> ,)	
)	
Defendants.)	

OPINION AND ORDER

On December 19, 2006, Theodis E. Prentice, a *pro se* prisoner, filed this 42 U.S.C. § 1983 action against four officials and officers of the Lake County Jail. Mr. Prentice also filed three other complaints against the same four defendants alleging similar facts and violations. *See* Cause Numbers 2:06-cv-422 RM, 2:06-cv-423 AS, 2:06-cv-424 WL. In each of the four cases, Mr. Prentice rotated the name of the lead defendant in the caption. It appearing that Mr. Prentice misunderstood how to file these claims, the three additional cases were dismissed and filed in this case. That done, the Court may now address the four complaints that have been filed in this case.

On the initial cover sheet to the first complaint (DE 1), Mr. Prentice has listed twenty-seven additional plaintiffs who appear to be inmates at the Lake County Jail. Federal Rule of Civil Procedure 11 requires that a party sign each pleading. None of the additional plaintiffs have signed the Complaint. Nor is there any indication before the Court that these individuals have expressed any interest in joining this lawsuit. Indeed, the allegations contained in the complaint are specific only to Mr. Prentice. Mr. Prentice states that on July 25, 2006, he was processed into the jail and that he had to sleep on the floor for seventeen nights. It is not reasonable to infer that all of the named plaintiffs were processed on July 25, 2006, nor that they spent seventeen nights on the floor. In addition, the complaint does not allege any injury to any of the twenty-seven additional plaintiffs.

The only alleged injury is specific to Mr. Prentice. Because the twenty-seven additional plaintiffs have not signed the complaint, or given any indication of their expressed desire to be a part of this lawsuit, and because none of the listed claims appear to involve them, they are dismissed without prejudice. This dismissal does not prevent those individuals from filing separate lawsuits on their own behalf. However, Mr. Prentice is the sole plaintiff in this case.

Mr. Prentice has not paid the \$350.00 filing fee or filed an *in forma pauperis* petition. Therefore, the Court grants Mr. Prentice to and including February 16, 2007, to either pay the \$350.00 filing fee or file an *in forma pauperis* petition. Failure to do so on or before the deadline will result in this case being dismissed without prejudice and without further notice pursuant to Fed. R. Civ. P. 41(b). However, Mr. Prentice will still be responsible for paying the \$350.00 filing fee in installments pursuant to 28 U.S.C. § 1915(b).

Finally, Mr. Prentice submitted four separate complaints against the four defendants and rotated the name of the lead defendant in the caption. In each of those complaints, Mr. Prentice has alleged specific facts only against the lead defendant. However, the allegations against each defendant either involve the same incident or occurred during the same time period. Because the complaints are interrelated, Mr. Prentice need only submit one complaint that clearly sets forth each and every allegation against each of the defendants. Therefore, the Court grants Mr. Prentice to and including February 16, 2007, to file an amended complaint. Failure to file the amended complaint on or before the deadline will result in this case being dismissed without prejudice and without further notice pursuant to Fed. R. Civ. P. 41(b).

For the foregoing reasons, the Court

- (1) **DISMISSES WITHOUT PREJUDICE** the twenty seven plaintiffs other than Theodis E. Prentice;
- (2) **DIRECTS** the Clerk to place this cause number on a blank 42 U.S.C. § 1983 prisoner complaint form and mail it to Theodis E. Prentice, along with a blank prisoner *in forma pauperis* petition, eight summons, and four USM-285s;
- (3) **GRANTS** Theodis E. Prentice to and including February 21, 2007, to either pay the \$350.00 filing fee or file an *in forma pauperis* petition;
- (4) **GRANTS** Theodis E. Prentice to and including February 21, 2007, to file an amended complaint that clearly sets forth the allegations against each of the defendants; and
- (5) **CAUTIONS** Theodis E. Prentice that the failure to file the \$350.00 filing fee or an *in forma pauperis* petition and an amended complaint on or before February 21, 2007, will result in this case being dismissed without prejudice and without further notice.

SO ORDERED on January 10, 2007.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT
FORT WAYNE DIVISION